

Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 155

SENATE BILL 1288

AN ACT

AMENDING SECTIONS 42-1001, 43-105, 43-325, 43-327 AND 43-1401, ARIZONA REVISED STATUTES; AMENDING TITLE 43, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-1414; RELATING TO TAXATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 42-1001, Arizona Revised Statutes, is amended to
3 read:

4 42-1001. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Board" or "state board" means either the state board of tax
7 appeals or the state board of equalization, as applicable.

8 2. "Court" means the tax court or superior court, whichever is
9 applicable.

10 3. "Department" means the department of revenue.

11 4. "Director" means the director of the department.

12 5. "Internal revenue code" means the United States internal revenue
13 code of 1986, as amended and in effect as of January 1, 2015 2016, including
14 those provisions that became effective during 2014 2015 with the specific
15 adoption of their retroactive effective dates but excluding all changes to
16 the code enacted after January 1, 2015 2016.

17 Sec. 2. Section 43-105, Arizona Revised Statutes, is amended to read:

18 43-105. Internal revenue code; definition; application

19 A. FOR THE PURPOSES OF COMPUTING INCOME TAX PURSUANT TO THIS TITLE,
20 FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2015, "INTERNAL
21 REVENUE CODE" MEANS THE UNITED STATES INTERNAL REVENUE CODE OF 1986, AS
22 AMENDED, IN EFFECT ON JANUARY 1, 2016, INCLUDING THOSE PROVISIONS THAT BECAME
23 EFFECTIVE DURING 2015 WITH THE SPECIFIC ADOPTION OF ALL FEDERAL RETROACTIVE
24 EFFECTIVE DATES, BUT EXCLUDING ANY CHANGE TO THE CODE ENACTED AFTER JANUARY
25 1, 2016.

26 ~~A.~~ B. For the purposes of computing income tax pursuant to this
27 title, for taxable years beginning from and after December 31, 2014 THROUGH
28 DECEMBER 31, 2015, "internal revenue code" means the United States internal
29 revenue code of 1986, as amended, in effect on January 1, 2015, including
30 those provisions that became effective during 2014 with the specific adoption
31 of all federal retroactive effective dates, ~~but excluding any change to the~~
32 ~~code enacted after January 1, 2015~~ AND INCLUDING THOSE PROVISIONS OF THE
33 SLAIN OFFICER FAMILY SUPPORT ACT OF 2015 (P.L. 114-7), THE DON'T TAX OUR
34 FALLEN PUBLIC SAFETY HEROES ACT (P.L. 114-14), THE SURFACE TRANSPORTATION AND
35 VETERANS HEALTH CARE CHOICE IMPROVEMENT ACT OF 2015 (P.L. 114-41) AND THE
36 CONSOLIDATED APPROPRIATIONS ACT, 2016 (P.L. 114-113) THAT ARE RETROACTIVELY
37 EFFECTIVE DURING TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2014
38 THROUGH DECEMBER 31, 2015.

39 ~~B.~~ C. For the purposes of computing income tax pursuant to this
40 title, for taxable years beginning from and after December 31, 2013 through
41 December 31, 2014, "internal revenue code" means the United States internal
42 revenue code of 1986, as amended, in effect on January 1, 2014, including
43 those provisions that became effective during 2013 with the specific adoption
44 of all federal retroactive effective dates, and including those provisions of
45 the Philippines charitable giving assistance act (P.L. 113-92), the Gabriella

1 Miller kids first research act (P.L. 113-94), the cooperative and small
2 employer charity pension flexibility act (P.L. 113-97), the highway and
3 transportation funding act of 2014 (P.L. 113-159), the tribal general welfare
4 exclusion act of 2014 (P.L. 113-168), the consolidated and further continuing
5 appropriations act, 2015 (P.L. 113-235), the 2014 airline bankruptcy payments
6 rollover act (P.L. 113-243), and the tax increase prevention act of 2014
7 (P.L. 113-295), THE SLAIN OFFICER FAMILY SUPPORT ACT OF 2015 (P.L. 114-7) AND
8 THE CONSOLIDATED APPROPRIATIONS ACT, 2016 (P.L. 114-113) that are
9 retroactively effective during taxable years beginning from and after
10 December 31, 2013 through December 31, 2014.

11 ~~E.~~ D. For the purposes of computing income tax pursuant to this
12 title, for taxable years beginning from and after December 31, 2012 through
13 December 31, 2013, "internal revenue code" means the United States internal
14 revenue code of 1986, as amended, in effect on January 3, 2013, including
15 those provisions that became effective during 2012 with the specific adoption
16 of all federal retroactive effective dates, and including those provisions of
17 the Philippines charitable giving assistance act (P.L. 113-92), the highway
18 and transportation funding act of 2014 (P.L. 113-159), the tribal general
19 welfare exclusion act of 2014 (P.L. 113-168), the 2014 airline bankruptcy
20 payments rollover act (P.L. 113-243), and the tax technical corrections act
21 of 2014 (P.L. 113-295, division A, title II) AND THE CONSOLIDATED
22 APPROPRIATIONS ACT, 2016 (P.L. 114-113) that are retroactively effective
23 during taxable years beginning from and after December 31, 2012 through
24 December 31, 2013.

25 ~~D.~~ E. For the purposes of computing income tax pursuant to this
26 title, for taxable years beginning from and after December 31, 2011 through
27 December 31, 2012, "internal revenue code" means the United States internal
28 revenue code of 1986, as amended, in effect on January 1, 2012, including
29 those provisions that became effective during 2011 with the specific adoption
30 of all federal retroactive effective dates, and including those provisions of
31 the FAA modernization and reform act of 2012 (P.L. 112-95), the moving ahead
32 for progress in the 21st century act (P.L. 112-141), the American taxpayer
33 relief act of 2012 (P.L. 112-240), the 2014 airline bankruptcy payments
34 rollover act (P.L. 113-243), the tribal general welfare exclusion act of 2014
35 (P.L. 113-168), and the tax technical corrections act of 2014 (P.L. 113-295,
36 division A, title II) AND THE CONSOLIDATED APPROPRIATIONS ACT, 2016 (P.L.
37 114-113) that are retroactively effective during taxable years beginning from
38 and after December 31, 2011 through December 31, 2012.

39 ~~E.~~ F. For the purposes of computing income tax pursuant to this
40 title, for taxable years beginning from and after December 31, 2010 through
41 December 31, 2011, "internal revenue code" means the United States internal
42 revenue code of 1986, as amended, in effect on January 1, 2011, including
43 those provisions that became effective during 2010 with the specific adoption
44 of all federal retroactive effective dates, and including those provisions of
45 Public Law 112-40, the moving ahead for progress in the 21st century act

(P.L. 112-141), the American taxpayer relief act of 2012 (P.L. 112-240), the tribal general welfare exclusion act of 2014 (P.L. 113-168) and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2010 through December 31, 2011.

~~F.~~ G. For the purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2009 through December 31, 2010, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2010, including those provisions that became effective during 2009 with the specific adoption of all federal retroactive effective dates, and including those provisions of the temporary extension act of 2010 (P.L. 111-144), the hiring incentives to restore employment act (P.L. 111-147), the patient protection and affordable care act (P.L. 111-148), the health care and education reconciliation act of 2010 (P.L. 111-152), the preservation of access to care for medicare beneficiaries and pension relief act of 2010 (P.L. 111-192), the Dodd-Frank Wall Street reform and consumer protection act (P.L. 111-203), the small business jobs act of 2010 (P.L. 111-240), the claims resolution act of 2010 (P.L. 111-291), the tax relief, unemployment insurance reauthorization, and job creation act of 2010 (P.L. 111-312), the regulated investment company modernization act of 2010 (P.L. 111-325) and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2009 through December 31, 2010.

~~G.~~ H. For purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2008 through December 31, 2009, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2009, including those provisions that became effective during 2008 with the specific adoption of all federal retroactive effective dates, and including those provisions of the American recovery and reinvestment act of 2009 (P.L. 111-5) except section 1211, the consumer assistance to recycle and save act of 2009 (P.L. 111-32), the worker, homeownership, and business assistance act of 2009 (P.L. 111-92) except section 13, the hiring incentives to restore employment act (P.L. 111-147), the patient protection and affordable care act (P.L. 111-148), the preservation of access to care for medicare beneficiaries and pension relief act of 2010 (P.L. 111-192), the small business jobs act of 2010 (P.L. 111-240), the tax relief, unemployment insurance reauthorization, and job creation act of 2010 (P.L. 111-312) and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2008 through December 31, 2009.

~~H.~~ I. For purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2007 through December 31, 2008, "internal revenue code" means the United States internal revenue

code of 1986, as amended, in effect on January 1, 2008, including those provisions that became effective during 2007 with the specific adoption of all federal retroactive effective dates and including those provisions of the economic stimulus act of 2008 (P.L. 110-185), the heroes earnings assistance and relief tax act of 2008 (P.L. 110-245), the heartland, habitat, harvest and horticulture act of 2008 (P.L. 110-246), the housing assistance tax act of 2008 (P.L. 110-289), the emergency economic stabilization act of 2008 (P.L. 110-343), the worker, retiree, and employer recovery act of 2008 (P.L. 110-458), the American recovery and reinvestment act of 2009 (P.L. 111-5) except section 1211, the worker, homeownership, and business assistance act of 2009 (P.L. 111-92) except section 13 and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2007 through December 31, 2008.

~~I.~~ J. For purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2006 through December 31, 2007, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2007, including those provisions that became effective during 2006 with the specific adoption of all federal retroactive effective dates and including those provisions of the small business and work opportunity tax act of 2007 (P.L. 110-28), the energy independence and security act of 2007 (P.L. 110-140), Public Law 110-141, the mortgage forgiveness debt relief act of 2007 (P.L. 110-142), the tax technical corrections act of 2007 (P.L. 110-172), the economic stimulus act of 2008 (P.L. 110-185), the heroes earnings assistance and relief tax act of 2008 (P.L. 110-245), the heartland, habitat, harvest and horticulture act of 2008 (P.L. 110-246), the housing assistance tax act of 2008 (P.L. 110-289), the emergency economic stabilization act of 2008 (P.L. 110-343), the worker, retiree, and employer recovery act of 2008 (P.L. 110-458) and the tax technical corrections act of 2014 (P.L. 113-295, division A, title II) that are retroactively effective during taxable years beginning from and after December 31, 2006 through December 31, 2007.

~~J.~~ K. For purposes of computing income tax pursuant to this title, for taxable years beginning from and after December 31, 2005 through December 31, 2006, "internal revenue code" means the United States internal revenue code of 1986, as amended, in effect on January 1, 2006, including those provisions that became effective during 2005 with the specific adoption of all federal retroactive effective dates and including those provisions of the tax increase prevention and reconciliation act of 2005 (P.L. 109-222), the pension protection act of 2006 (P.L. 109-280), the tax relief and health care act of 2006 (P.L. 109-432), the small business and work opportunity tax act of 2007 (P.L. 110-28), the mortgage forgiveness debt relief act of 2007 (P.L. 110-142), the tax technical corrections act of 2007 (P.L. 110-172), the heartland, habitat, harvest and horticulture act of 2008 (P.L. 110-246), the housing assistance tax act of 2008 (P.L. 110-289) and the tax technical

1 corrections act of 2014 (P.L. 113-295, division A, title II) that are
2 retroactively effective during taxable years beginning from and after
3 December 31, 2005 through December 31, 2006.

4 ~~K. For purposes of computing income tax pursuant to this title, for~~
5 ~~taxable years beginning from and after December 31, 2004 through December 31,~~
6 ~~2005, "internal revenue code" means the United States internal revenue code~~
7 ~~of 1986, as amended, in effect on January 1, 2005, including those provisions~~
8 ~~that became effective during 2004 with the specific adoption of all federal~~
9 ~~retroactive effective dates and including those provisions of the Katrina~~
10 ~~emergency tax relief act of 2005 (P.L. 109-73), the energy tax incentives act~~
11 ~~of 2005 (title XIII of the energy policy act of 2005 (P.L. 109-58)), the gulf~~
12 ~~opportunity zone act of 2005 (P.L. 109-135), the tax technical corrections~~
13 ~~act of 2007 (P.L. 110-172), the heartland, habitat, harvest and horticulture~~
14 ~~act of 2008 (P.L. 110-246) and the housing assistance tax act of 2008~~
15 ~~(P.L. 110-289) that are retroactively effective during taxable years~~
16 ~~beginning from and after December 31, 2004 through December 31, 2005.~~

17 Sec. 3. Section 43-325, Arizona Revised Statutes, is amended to read:

18 43-325. Time for filing returns

19 Unless otherwise indicated: —

20 1. Returns made on the basis of the calendar year shall be filed on or
21 before the fifteenth day of April following the close of the calendar year.

22 2. Returns made on the basis of a fiscal year shall be filed on or
23 before the fifteenth day of the fourth month following the close of the
24 fiscal year.

25 3. FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2015,
26 PARTNERSHIP RETURNS ARE DUE ON OR BEFORE THE FIFTEENTH DAY OF THE THIRD MONTH
27 FOLLOWING THE CLOSE OF THE TAXABLE YEAR.

28 Sec. 4. Section 43-327, Arizona Revised Statutes, is amended to read:

29 43-327. Recomputation of tax or amended return due after
30 federal adjustment: definition

31 A. If the amount of taxable income for any year of any taxpayer as
32 reported to the United States treasury department is changed or corrected by
33 the commissioner of internal revenue or other officer of the United States or
34 other competent authority, or if a renegotiation of a contract or subcontract
35 with the United States results in a change in taxable income, such taxpayer
36 within ninety days after the final determination of such change or correction
37 or renegotiation shall either:

38 1. File with the department a copy of the final determination, concede
39 the accuracy of the determination or state any errors and request the
40 department to recompute the tax owed to this state. Recomputing the tax by
41 the department is not considered to be an audit for purposes of section
42 42-2059.

43 2. File an amended return as required by the department of revenue.

1 B. FOR FEDERAL CHANGES TO WHICH SECTION 43-1414 APPLIES:

2 1. IF THE PARTNERSHIP PASSES THROUGH TO EACH PARTNER THE PARTNER'S
3 DISTRIBUTIVE SHARE OF ANY ADJUSTMENTS PURSUANT TO SECTION 43-1414, SUBSECTION
4 B, PARAGRAPH 2, THE STATEMENT PROVIDED TO EACH PARTNER UNDER SECTION 43-1414,
5 SUBSECTION B, PARAGRAPH 2 IS CONSIDERED TO BE A CHANGE IN TAXABLE INCOME OF
6 THE PARTNER BY THE COMMISSIONER OF INTERNAL REVENUE FOR THE TAXABLE YEAR OF
7 THE PARTNER IN WHICH THE REVIEWED YEAR OF THE PARTNERSHIP ENDS. THE PARTNERS
8 SHALL EACH FILE AN AMENDED RETURN WITHIN ONE HUNDRED FIFTY DAYS AFTER THE
9 FINAL DETERMINATION OF THE PARTNERSHIP ADJUSTMENTS BY THE INTERNAL REVENUE
10 SERVICE TO REPORT THEIR SHARE OF THE PARTNERSHIP ADJUSTMENTS AS REPORTED TO
11 THEM IN THE STATEMENT PROVIDED BY THE PARTNERSHIP PURSUANT TO SECTION
12 43-1414, SUBSECTION B, PARAGRAPH 2.

13 2. IF THE PARTNERSHIP IS REQUIRED TO REPORT FEDERAL CHANGES AND PAY
14 THE TAX PURSUANT TO SECTION 43-1414, SUBSECTION B, PARAGRAPH 1, THE
15 PARTNERSHIP SHALL FILE THE RETURN REQUIRED UNDER SECTION 43-1414, SUBSECTION
16 A AND PAY THE TAX WITHIN NINETY DAYS AFTER THE FINAL DETERMINATION OF THE
17 PARTNERSHIP ADJUSTMENTS BY THE INTERNAL REVENUE SERVICE.

18 ~~B.~~ C. The department may require an amended return if the department
19 lacks the necessary information to recompute the tax owed to this state.

20 ~~C.~~ D. Any taxpayer filing an amended return with the United States
21 treasury department shall also file within ninety days of the final
22 determination by the United States treasury department an amended return with
23 the department of revenue, which shall contain such information as it shall
24 require.

25 ~~D.~~ E. For the purposes of this section, assessments under a partial
26 agreement, closing agreement covering specific matters, jeopardy or advance
27 payment are considered part of the final determination ~~defined in subsection~~
28 ~~G of this section~~ and must be submitted to the department with the final
29 determination.

30 ~~E.~~ F. If a partial agreement, A closing agreement covering specific
31 matters or any other agreement with the United States treasury department
32 would be final except for a federal extension still open for flow through
33 adjustments from other entities or other jurisdictions, ~~then~~ the final
34 determination is the date the taxpayer signs the agreement. Flow through
35 adjustments are finally determined based on criteria specified in subsection
36 ~~G~~ H of this section.

37 ~~F.~~ G. The department is not required to issue refunds based on any
38 agreement other than a final determination.

39 ~~G.~~ H. For the purposes of this section, "final determination" means
40 the appeal rights of both parties have expired or have been exhausted
41 relative to the tax year.

42 Sec. 5. Section 43-1401, Arizona Revised Statutes, is amended to read:

43 43-1401. Definitions

44 In this chapter, unless the context otherwise requires:

1 1. "Arizona gross income" of a partnership means its taxable income
2 for the year, computed according to subtitle A, chapter 1, subchapter K of
3 the internal revenue code, exclusive of items requiring separate computation
4 under section 43-1412, paragraphs 1 through 16. For purposes of this title
5 the provisions relating to interest on investment indebtedness contained in
6 section 163(d) of the internal revenue code shall not apply.

7 2. "Arizona taxable income" of a partnership means its Arizona gross
8 income adjusted by the modifications specified in sections 43-1021 and
9 43-1022 AND SECTION 43-1414, SUBSECTION A.

10 Sec. 6. Title 43, chapter 14, article 2, Arizona Revised Statutes, is
11 amended by adding section 43-1414, to read:

12 43-1414. Federal assessment of imputed underpayment;
13 definitions

14 A. A PARTNERSHIP THAT IS AUDITED BY THE INTERNAL REVENUE SERVICE AND
15 THAT IS ASSESSED AN IMPUTED UNDERPAYMENT PURSUANT TO SECTION 6225 OF THE
16 INTERNAL REVENUE CODE AS ADDED BY THE BIPARTISAN BUDGET ACT OF 2015
17 (P.L. 114-74) OR A PARTNERSHIP THAT MAKES THE ELECTION UNDER SECTION 6226 OF
18 THE INTERNAL REVENUE CODE AS ADDED BY THE BIPARTISAN BUDGET ACT OF 2015
19 (P.L. 114-74) SHALL FILE A RETURN FOR THE REVIEWED YEAR ON A FORM PRESCRIBED
20 BY THE DEPARTMENT THAT SHOWS THE ADJUSTMENTS TO INCOME OR THE GAIN, LOSS OR
21 DEDUCTION ON WHICH THE FEDERAL IMPUTED UNDERPAYMENT WAS BASED AS WELL AS ANY
22 OF THE CORRELATIVE ADJUSTMENTS TO THE ADDITIONS REQUIRED UNDER SECTION
23 43-1021 OR THE SUBTRACTIONS REQUIRED UNDER SECTION 43-1022.

24 B. IF THE ADJUSTMENTS DETERMINED IN SUBSECTION A OF THIS SECTION ARE:

25 1. A NET INCREASE IN ARIZONA TAXABLE INCOME AND PARAGRAPH 2 OF THIS
26 SUBSECTION DOES NOT APPLY:

27 (a) WITHIN NINETY DAYS AFTER THE FINAL DETERMINATION REGARDING THE
28 ADJUSTMENT FROM THE INTERNAL REVENUE SERVICE, THE PARTNERSHIP SHALL PAY THE
29 TAX ON THE ADJUSTMENTS IN LIEU OF PASSING THE ADJUSTMENTS THROUGH TO THE
30 PARTNERS.

31 (b) THE TAX SHALL BE IMPOSED ON THE ARIZONA SHARE OF THE ADJUSTMENTS
32 AT THE HIGHEST TAX RATE IMPOSED ON INDIVIDUALS UNDER SECTION 43-1011.

33 (c) INTEREST SHALL BE COMPUTED PURSUANT TO SECTION 42-1123 FOR THE
34 PERIOD BEGINNING ON THE DAY AFTER THE PARTNERSHIP RETURN DUE DATE FOR THE
35 REVIEWED YEAR, WITHOUT REGARD TO ANY EXTENSIONS.

36 (d) FOR THE PURPOSES OF IMPOSING PENALTIES UNDER SECTION 42-1125, THE
37 DUE DATE OF THE RETURN UNDER SUBSECTION A OF THIS SECTION IS THE NINETIETH
38 DAY AFTER THE FINAL DETERMINATION OF THE PARTNERSHIP ADJUSTMENTS BY THE
39 INTERNAL REVENUE SERVICE.

40 2. A NET REDUCTION IN ARIZONA TAXABLE INCOME OR A NET INCREASE IN
41 ARIZONA TAXABLE INCOME OF A PARTNERSHIP THAT MAKES THE ELECTION UNDER SECTION
42 6226 OF THE INTERNAL REVENUE CODE AS ADDED BY THE BIPARTISAN BUDGET ACT OF
43 2015 (P.L. 114-74), WITHIN NINETY DAYS AFTER THE FINAL DETERMINATION
44 REGARDING THE ADJUSTMENT FROM THE INTERNAL REVENUE SERVICE, THE PARTNERSHIP
45 SHALL FURNISH TO EACH PARTNER OF THE PARTNERSHIP AND TO THE DEPARTMENT A

1 STATEMENT ON A FORM PRESCRIBED BY THE DEPARTMENT OF THE PARTNER'S SHARE OF
2 THE ADJUSTMENTS REQUIRED IN SUBSECTION A OF THIS SECTION. THE AMOUNT
3 REPORTED TO THE PARTNER UNDER THIS SUBSECTION IS AN ADJUSTMENT TO THE
4 PARTNER'S SHARE OF PARTNERSHIP TAXABLE INCOME. A PARTNERSHIP THAT HAD A NET
5 INCREASE UNDER THIS PARAGRAPH AND THAT FAILS TO TIMELY PROVIDE THE STATEMENTS
6 REQUIRED TO THE PARTNERS AND TO THE DEPARTMENT SHALL PAY THE TAX PURSUANT TO
7 PARAGRAPH 1 OF THIS SUBSECTION IN LIEU OF THE PARTNERS REPORTING THE
8 ADJUSTMENT.

9 C. IF A PARTNERSHIP FAILS TO FILE THE RETURN THAT IS REQUIRED UNDER
10 SUBSECTION A OF THIS SECTION OR IF THE DEPARTMENT IS NOT SATISFIED WITH THE
11 RETURN OR THE PAYMENT OF THE TAX REQUIRED TO BE PAID, THE DEPARTMENT MAY
12 ISSUE A DEFICIENCY ASSESSMENT TO THE PARTNERSHIP UNDER SECTION 42-1108.

13 D. IF THE PARTNERSHIP INCORRECTLY REPORTED THE ADJUSTMENTS UNDER
14 SUBSECTION A OF THIS SECTION THAT RESULTED IN:

15 1. AN UNDERSTATEMENT OF THE DISTRIBUTION OF ARIZONA TAXABLE INCOME TO
16 THE PARTNERS UNDER SUBSECTION B, PARAGRAPH 2 OF THIS SECTION, THE PARTNERSHIP
17 SHALL PAY THE TAX ON THE UNDERSTATEMENT BY APPLYING THE CALCULATION IN
18 SUBSECTION B, PARAGRAPH 1 OF THIS SECTION TO THE UNREPORTED ADJUSTMENTS.

19 2. AN OVERSTATEMENT OF ARIZONA TAXABLE INCOME, ANY ADJUSTMENT SHALL BE
20 HANDLED AS FOLLOWS:

21 (a) IF THE ADJUSTMENTS WERE ORIGINALLY PASSED THROUGH TO THE PARTNERS
22 UNDER SUBSECTION B, PARAGRAPH 2 OF THIS SECTION, THE ADJUSTMENT SHALL BE
23 PASSED THROUGH TO THE PARTNERS. THE PARTNERSHIP SHALL AMEND THE RETURN UNDER
24 SUBSECTION A OF THIS SECTION AND AMEND THE STATEMENTS PROVIDED TO THE
25 PARTNERS AND THE DEPARTMENT UNDER SUBSECTION B, PARAGRAPH 2 OF THIS SECTION.

26 (b) IF THE TAX ON THE ADJUSTMENTS WAS ORIGINALLY PAID BY THE
27 PARTNERSHIP PURSUANT TO SUBSECTION B, PARAGRAPH 1 OF THIS SECTION, THE
28 PARTNERSHIP SHALL AMEND THE RETURN FILED PURSUANT TO SUBSECTION B, PARAGRAPH
29 1 OF THIS SECTION TO CLAIM ANY REFUND. THIS SUBDIVISION DOES NOT ALLOW A
30 PARTNERSHIP TO CLAIM A REFUND FOR AMOUNTS NOT ACTUALLY PAID BY THE
31 PARTNERSHIP.

32 E. FOR THE PURPOSES OF THIS SECTION:

33 1. "ARIZONA SHARE OF THE ADJUSTMENTS" MEANS THE ADJUSTMENTS DETERMINED
34 IN SUBSECTION A OF THIS SECTION, SUBJECT TO THE ALLOCATION AND APPORTIONMENT
35 PROVISIONS OF CHAPTER 11, ARTICLE 4 OF THIS TITLE.

36 2. "FINAL DETERMINATION" HAS THE SAME MEANING PRESCRIBED IN SECTION
37 43-327.

38 3. "REVIEWED YEAR" MEANS THE PARTNERSHIP TAXABLE YEAR TO WHICH THE
39 ITEMS ADJUSTED BY THE INTERNAL REVENUE SERVICE RELATE.

40 Sec. 7. Federal exclusion for wrongfully incarcerated
41 individuals

42 A. Except as provided in subsection B of this section, this state
43 conforms to the retroactive changes made by Public Law 114-113, division Q,
44 section 304 that allow an exclusion from gross income for civil damages,
45 restitution or other monetary award for wrongfully incarcerated individuals.

1 B. If Public Law 114-113, division Q, section 304, subsection (d)
2 applies to a taxpayer's federal claim for credit or refund:

3 1. The taxpayer must file an Arizona amended income tax return for the
4 applicable taxable year on or before December 18, 2016 to claim any refund
5 due to the exclusion allowed by subsection A of this section. Any request
6 filed after December 18, 2016 shall be denied. The taxpayer is responsible
7 for providing all documentation necessary to substantiate the refund request,
8 including copies of the original federal and state income tax returns filed
9 for the taxable year to which the request is related.

10 2. The department of revenue may review the amended return, and any
11 deficiency resulting from the review of the adjustment may be assessed within
12 six months after the date the amended return is filed or within six months
13 after the date the federal adjustment is final, whichever period expires
14 later. The federal adjustment is final when the internal revenue service has
15 accepted the amended return and the appeal rights of both parties have
16 expired or have been exhausted relative to the adjustment for the taxable
17 year. Any adjustment shall be treated as a deficiency assessment under
18 section 42-1108, Arizona Revised Statutes.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House May 6, 2016,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 25, 2016,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

9th day of May, 2016,

at 10:07 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 11th day of

May, 2016,

at 9:36 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1288

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11th day of May, 2016,

at 2:20 o'clock P M.

[Signature]
Secretary of State